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HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S) No. 1419 of 2007.

PETITIONER : Smt. Biswantin Bai wife of Ramesh Lal Sonwani, aged about 21 years, residence of Gram Dhodma Navapara, Tahsil Kawardha, District Kabirdham, Chhattisgarh.

VERSUS

RESPONDENTS :

1. State of Chhattisgarh, through Secretary, Department of Woman and Child Welfare, Dau Kalyan Singh Bhawan, Raipur, Chhattisgarh.
2. Collector, Kabirdham, Office situated at Kabirdham, District Kabirdham, Chhattisgarh.
3. The Chief Executive Officer, Jila Panchayat, District Kabirdham, Chhattisgarh.
4. District Woman and Child Development Officer, Kabirdham, Chhattisgarh.
5. Smt. Bhuvneshwari, wife of Bisambar Nishad, aged about 25 years, residence of village Dhodma Navapara, Tahsil Kawardha, District Kabirdham, Chhattisgarh.
6. Smt. Santoshi Bai, wife of Rohit, aged about 22 years, residence of village Dhodma Navapara, Tahsil Kawardha, District Kabirdham, Chhattisgarh.

Present: Shri O.P.Sahu, Advocate for the petitioner.
Shri Sushil Dubey, Government Advocate for the respondent no. 1, 2 and 4.

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ORDER
(Passed on 12th of March, 2007)

1. Learned counsel appearing for the petitioner submits that the Additional Collector, Kabirdham, vide its order dated 27.12.2006 has cancelled the appointment of the petitioner on the several grounds inter alia, that the petitioner was under age on the basis of certificate submitted by Smt. Bhuvneshwari and Smt. Santoshi Bai.
2. The learned counsel further states that no opportunity of hearing was afforded to the petitioner for producing the date of birth certificate as stated in her mark-sheet. Though the petitioner's appointment has been cancelled on other grounds also, however in the facts and circumstances of the case, when one of the grounds is that the petitioner was under age, appears to have not been considered properly.
3. The learned counsel appearing for respondent 1, 2 and 4 fairly submits that the disputed facts involved here-in can be decided by the Additional Collector a fresh.
4. In view of that, the order dated 27.12.2006 (Annexure P/1) is quashed. The matter is remanded back to the Additional Collector for fresh decision on the basis of submissions made by both the parties and after examining the documents produced by the petitioner and also by the respondents 5 and 6 within a period of six weeks from the date of receipt of a copy of this order.

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5. Consequently, M(W)P 917/2007, application for ad-interim writ stands disposed of.

Sd/-
Satish K.Agnihotri
Judge

Amit